THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.9968 of 2005

Date: 13.08.2007

Between:

Uppalapati Anjaneya Vara Prasad

…Petitioner

and

The Investigating Officer,
Hyderabad and others

…Respondents

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WRIT PETITION No.9968 of 2005

O R D E R:

The additional counter-affidavit has been filed by the first respondent stating that CBI also registered a case in RC.No.TC. 1(A) of 2004 Hyderabad under Sections 13 (2) read with Section 13 (1) of Prevention of Corruption Act, 1998 against respondent Nos.4 and 11 herein and filed charge sheet before the Special Judge for CBI Cases, Hyderabad. It is further stated that as per the charge sheet filed by the CBI, it was established that the offence investigated by the CBI, Hyderabad and Crime No.165 of 2004 on the file of this respondent police station is one and the same; that since the charge sheet was already filed by CBI, Crime No.165 of 2004 was referred as mistake of fact; that a notice was sent to the complainant/petitioner by way of registered post on 23.08.2006; that final report was filed before III Additional Chief Metropolitan Magistrate, Hyderabad and that the notice sent in the petition was also served on 26.07.2007.

Though there is no justification on the part of the first respondent in keeping the crime without investigating the case from 2004 till the date of filing of the final report and that too without verifying the registration of the case and filing of the charge sheet by the CBI and whether the same is concerned to this crime, is a matter to be looked into by the superior officers, no further orders are required

to be passed in this writ petition.

In view of the above, the writ petition is dismissed. No order as to costs.

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V.ESWARAIAH, J

13th August, 2007.

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